

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	MAIL STOP AMENDMENT
Masamichi Kaneko)	
Application No.: 10/542,863)	Group Art Unit: 3782
Filed: July 21, 2005)	Examiner: Christopher R. Demeree
For: PACKAGING CONTAINER, AND)	Confirmation No.: 8663
POURING PLUG FITTED THERETO)	

RESPONSE TO HOLDING OF LACK OF UNITY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Official Action dated June 15, 2009, the following remarks are submitted.

The aforementioned Official Action indicates that the claims in this application are directed to two different inventions lacking unity of invention. The Official Action identifies the two inventions as follows.

Group I invention recited in Claim 1 directed to a container.

Group II invention set forth in Claims 2-6 directed to a pouring plug fitted to a packaging container.

Based on the observation that the two inventions lack unity of invention, an election requirement is imposed.

Applicants hereby elect, with traverse, the Group II invention claims, Claims 2-6.

The election of the Group II invention is made with traverse because it is believed that the claims here do satisfy the unity of invention requirement. In this

regard, the International Searching Authority did not raise a concern about unity of invention with respect to the same claims in the corresponding international application.

In addition, it is expected that Claim 1 can be searched and examined at the same time as the elected claims without serious burden. The search required for the elected claims set would likely extend into those areas where non-elected Claim 1 would be searched. Additionally, examining Claim 1 in addition to elected Claims 2-6 would only involve consideration of one additional claim.


In light of the foregoing, withdrawal of the lack of unity of invention holding and examination of all of the claims of this application are respectfully requested.

Should any questions arise concerning this application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: July 15, 2009

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